

1 KEVIN V. RYAN (CSBN 118321)  
United States Attorney  
2 JOANN M. SWANSON (CSBN 88143)  
Chief, Civil Division  
3 CHINHAYI J. COLEMAN (CSBN 194542)  
Assistant United States Attorney  
4 150 Almaden Blvd., Suite 900  
San Jose, CA 95113-2009  
5 Telephone: 408-535-5087  
Facsimile: 408-535-5081  
6 E-mail: chinhayi.j.coleman@usdoj.gov

\*\*E-filed 3/2/06\*\*

7 Attorneys for Defendant United States of America

8 **UNITED STATES DISTRICT COURT**  
9 **NORTHERN DISTRICT OF CALIFORNIA**  
10 **SAN JOSE DIVISION**

11 ROBERT ELROY SMITH,

12 Plaintiff,

13 v.

14 HYANG SOOK KIM, UNITED STATES OF  
AMERICA,

15 Defendants.  
16

No. C-05-1439 JF

STIPULATION AND ~~PROPOSED~~ ORDER  
GRANTING EXTENSION OF TIME FOR  
DEFENDANT TO RESPOND TO AMENDED  
COMPLAINT

17  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27  
28 No. C-05-1439 JF

STIPULATION AND [PROPOSED] ORDER RE TIME FOR DEFENDANT'S RESPONSE

**STIPULATION**

Plaintiff Robert Elroy Smith filed his amended complaint on February 13, 2006. Defendant's response to the Amended Complaint is due to be filed on February 28, 2006 (10 Court days after the amended complaint). See Fed.R.Civ.Proc. 15(a). Plaintiff's amended complaint alleges that he exhausted administrative remedies, without specifying how the exhaustion took place. As the present case involves a number of federal agencies with which administrative claims may have been filed, Defendant needs additional time to evaluate whether the administrative claim requirement has been met. Accordingly, the parties stipulate that the time for filing Defendant's response to the amended complaint be extended from February 28, 2006 to March 28, 2006.

Dated: February 28, 2006

LAW OFFICES OF STANLEY G. HILTON

/s/  
 STANLEY G. HILTON  
 Attorney for Plaintiff

Dated: February 28, 2006

KEVIN V. RYAN  
 United States Attorney

/s/  
 CHINHAYI J. COLEMAN  
 Assistant United States Attorney

**[PROPOSED] ORDER**

Pursuant to the above stipulation, it is hereby ordered that the time for Defendant United States to respond to Plaintiff's complaint is extended to March 28, 2006.

Dated: 3/2/06

  
 THE HONORABLE JEREMY FOGEL  
 United States District Judge

No. C-05-1439 JF

STIPULATION AND [PROPOSED] ORDER RE TIME FOR DEFENDANT'S RESPONSE

1 **CERTIFICATE OF SERVICE**

2 ROBERT ELROY SMITH,  
3 Plaintiff,

No. C-05-1439 JF

4 v.  
HYANG SOOK KIM, et al.,  
5 Defendants.

6 The undersigned hereby certifies that: (1) she is an employee of the office of the United States  
7 Attorney for the Northern District of California; (2) she is not a party to this case; (3) she is a person of  
8 suitable age and discretion as to be competent to serve papers; and (4) on this date she caused a copy of  
9 the following document(s) to be served upon all parties to this action:


10 **STIPULATION AND [PROPOSED] ORDER GRANTING EXTENSION OF TIME FOR**  
11 **DEFENDANT TO RESPOND TO AMENDED COMPLAINT**

12 Except as set forth otherwise below, the undersigned caused the afore-described document(s) to  
13 be served by placing a true copy of each such document in a sealed envelope, with postage thereon fully  
14 prepaid, and by placing said envelope either in a U.S. Mail mailbox or in the designated area for outgoing  
15 U.S. Mail in accordance with the normal practice of the United States Attorney's Office, addressed as  
16 follows:

17 Stanley G. Hilton  
18 Law Offices of Stanley G. Hilton  
2570 North First Street, Suite 200  
San Jose, CA 95131

Hyang Sook Kim  
1030 Magnolia Avenue, Apt. # 5  
Millbrae, CA 94030

19 I declare under penalty of perjury that the foregoing is true and correct, and that this document was  
20 executed by me at San Jose, California, on 2-28-06.

21   
22 Ann Nelson  
23 Legal Assistant  
24  
25  
26  
27  
28